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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,573	08/26/2003	David Douglas Brick	2001-1690-RA	5953
30184	7590	02/01/2005	EXAMINER	
MYERS & KAPLAN, INTELLECTUAL PROPERTY LAW, L.L.C. 1899 POWERS FERRY ROAD SUITE 310 ATLANTA, GA 30339			SWARTHOUT, BRENT	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,573

Applicant(s)

BRIICK, DAVID DOUGLAS

Examiner

Brent A Swarthout

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 1-9, 13, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 10-12 and 14-22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11-26-03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1-9 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jefferies et al.

Jefferies discloses a vehicle verification and control system comprising processor means 3 carried by a vehicle 33 to command vehicle controllers 18, receiver means 28, transmitter means 30, and monitoring means 1 for recording receipt of incoming signal at memory 5 (col. 4, lines 1-2) and for determining vehicle proximity with GPS 9, except for specifically stating that the controllers is a master computer.

It would have been obvious to one of ordinary skill in the art to use computer to control vehicle disablement, in order that one processing means could have controlled plural elements, making for a more efficient system.

Regarding claims 4-9, choosing a specific type of signal would have been obvious to one of ordinary skill in the art, each having its own advantages that would have been evident and desirable for use to an ordinarily skilled artisan.

Regarding claim 23, Jefferies teaches use of target antenna for receivers 10 and 28 on vehicle which would have received overhead signals from means 11 and 30.

2. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jefferies et al. in view of Bantli.

Bantli teaches desirability of deactivation of a device with processor 24 upon tampering (col. 3, lines 53-56).

It would have been obvious to use tamper disablement means as suggested by Bantli in conjunction with a vehicle control system as disclosed by Jefferies, in order to prevent unauthorized usage of a vehicle.

3. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jefferies et al. in view of Kelley

b. Kelley teaches desirability of transmitting a signal 13 to a target 16 on a vehicle, and also transmitting a signal from a vehicle to a target on a traffic signal to control the signal.

It would have been obvious to remotely activate a traffic signal as suggested by Kelley in conjunction with a system as disclosed by Jefferies, in order to further prevent movement of a vehicle without proper authorization.

Choosing to have the target communicate with the traffic signal as opposed to the interrogator 14 would have been obvious, merely.

depending on whether it was desired to have control at an official tracking vehicle 10 or a violating vehicle 11.

4. Claims 10-12 and 14-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 25-26 are allowed.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pagliaroli, Russell and Sanders disclose vehicle control devices.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Brent A Swarthout
Examiner
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**BRENT A. SWARTHOUT
PRIMARY EXAMINER**